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DISTRICT OF NEVADA

UNITED STATES DISTRICT COURT

J.M.M., et al.,	
Plaintiff(s),	() Case No. 2:14-cv-01197-JAD-NJK
	ORDER
VS.) (Docket Nos. 87, 91)
ANDREA HERNANDEZ, et al.,	(DOCKET NOS. 87, 91)
Defendant(s).	}

Pending before the Court is a renewed motion for appointment of Dara Goldsmith as guardian *ad litem* to J.M. and I.M. Docket No. 87. That motion was filed on an emergency basis on December 4, 2015 and, on the same day, the Court set a hearing on the motion for December 17, 2015 at 9:00 a.m. Docket Nos. 87, 88. On December 16, 2015, the parties filed a stipulation to vacate that hearing date because Ms. Goldsmith is unavailable and an adjudication of Plaintiffs' biological mother's parental rights is set for December 30, 2015. Docket No. 91. The Court also notes for the record that Plaintiffs' biological mother appeared at her deposition recently because the Court received a telephone call from counsel regarding several disputes arising during that deposition. As all of this makes clear, the circumstances regarding the pending motion for appointment of a guardian *ad litem* are in flux.

¹ It is not clear why the stipulation was filed less than 24 hours before the hearing was set to commence. Especially when they seek emergency treatment of a motion, which generally results in a disruption of the Court's calendar, counsel should ensure in the future that they give the Court prompt notice of any need to reschedule a hearing.

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Rather than setting a new hearing date, the Court finds it more appropriate to deny the motion without prejudice. Accordingly, the motion at Docket No. 87 is hereby **DENIED** without prejudice and the stipulation at Docket No. 91 is hereby **DENIED** as moot. IT IS SO ORDERED. DATED: December 16, 2015 NANCY J. KOPPE United States Magistrate Judge